IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Heino Hameleers	§	Group Art Unit:	4122
		§		
Serial No:	10/595,781	§	Examiner:	Beharry, Noel R
		§		
Filed:	April 20, 2007	§	Confirmation No:	6589
		§		

Attorney Docket No: P17248-US1
Customer No.: 27045

For: METHOD FOR PROVIDING MULTIMEDIA INFORMATION TO A CALLING
PARTY AT CALL SET UP

Via EFS-Web

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

APPEAL UNDER 35 U.S.C. §134

This Brief is submitted in connection with the decision of the Primary Examiner set forth in Final Official Action dated October 15, 2010, finally rejecting claims 19, 21-23 and 25-28, which are all of the pending claims in this application.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §41.20(b)(2) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1379.

I. Real Party in Interest

The real party in interest is Telefonaktiebolaget LM Ericsson, a Swedish corporation, with its principal office at SE-164 83 Stockholm, Sweden.

II. Related Appeals and Interferences

To the best of the knowledge of the undersigned, there are no related appeals and no interferences regarding the above application.

III. Status of Claims.

Claims 19, 21-23 and 25-28 are pending in the present application, each of which are finally rejected and form the basis for this Appeal. Claims 19, 21, 23, 25, 27 and 28 stand rejected, under 35 U.S.C. §103(a), as being unpatentable over Choe, et al. (U.S. 2004/0114732 A1) in view of Heinonen, et al. (US 6,671370); and claims 22 and 26 stand rejected as being unpatentable over Choe - Heinonen in view of Nguyen, et al. (U.S. 2004/0120477 A1). Claims 19, 21-23 and 25-28, including all amendments to the claims, are attached in the Claims Appendix. The rejection of claims 19, 21-23 and 25-28 is appealed.

IV. Status of Amendments.

The claims set out in the Claims Appendix include all entered amendments. No amendment has been filed subsequent to the final rejection.

V. Summary of Claimed Subject Matter.

Claim 19	Specification Reference
A method, in a telecommunications network, of providing multimedia information associated with called party terminal to a calling party terminal, the method, performed by a core network node, comprising the steps of:	Throughout the Specification, including: paragraph [0073], Figure 2

retrieving subscriber data of the called party, wherein the subscriber data comprises a demand for presenting the multimedia information;	Throughout the Specification, including: paragraph [0073], Figure 2
receiving in the core network node a call set up message comprising an identification of the called party,	Throughout the Specification, including: paragraph [0073], Figure 2
recognizing, according to the subscriber data and the received identification of the called party, the demand for providing the multimedia information, and	Throughout the Specification, including: paragraph [0073], Figure 2
sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.	Throughout the Specification, including: paragraph [0073], Figure 2

Claim 23	Specification Reference
A core network node (CNN) in a telecommunications network for providing multimedia information associated with a called party terminal to a calling party terminal, the core network node (CNN) comprising	Throughout the Specification, including: paragraph [0073], Figure 2
means for storing or providing access to subscriber data of a called party, the subscriber data comprising an indication for a demand for presenting the multimedia information,	Throughout the Specification, including: paragraph [0073], Figure 2
an interface for sending messages,	Throughout the Specification, including: paragraph [0048], Figure 2
an interface for receiving messages, and	Throughout the Specification, including: paragraph [0048], Figure 2
a processing system for processing said messages, the processing system being adapted to:	Throughout the Specification, including: paragraph [0048], Figure 2
process a received call set up message comprising an identification of the called party,	Throughout the Specification, including: paragraph [0073], Figure 2
recognize, according to received identification of the called party, the demand for providing the multimedia information, and	Throughout the Specification, including: paragraph [0073], Figure 2
send, to the calling party terminal, a network address or Universal Resource Locator (URL) for retrieving the multimedia information.	Throughout the Specification, including: paragraph [0041], Figure 2

Claim 27	Specification Reference
A method, in a core network node of a telecommunications network, for providing multimedia information associated with a called party terminal to a calling party terminal, the method comprising the steps of:	Throughout the Specification, including: paragraph [0073], Figure 2
retrieving subscriber data of the called party terminal, wherein the subscriber data comprises a demand for presenting the multimedia information;	Throughout the Specification, including: paragraph [0073], Figure 2
receiving in the core network node a call set up message comprising an identification of the called party terminal,	Throughout the Specification, including: paragraph [0073], Figure 2
recognizing, according to the subscriber data and the received identification of the called party terminal, the demand for providing the multimedia information, and	Throughout the Specification, including: paragraph [0073], Figure 2
sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.	Throughout the Specification, including: paragraph [0041], Figure 2

Claim 28	Specification Reference
A method, in a core network node of a telecommunications network, for providing multimedia information associated with a called party terminal to a calling party terminal, the method comprising the steps of:	Throughout the Specification, including: paragraph [0073], Figure 2
retrieving subscriber data of the called party terminal, wherein the subscriber data comprises a demand for presenting the multimedia information;	Throughout the Specification, including: paragraph [0073], Figure 2
receiving in the core network node a call set up message comprising an identification of the called party terminal,	Throughout the Specification, including: paragraph [0073], Figure 2
recognizing, according to the subscriber data and the received identification of the called party terminal, the demand for providing the multimedia information, and	Throughout the Specification, including: paragraph [0073], Figure 2
if the called party terminal is not able to send the multimedia information, sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.	Throughout the Specification, including: paragraph [0041], Figure 2

The specification references listed above are provided solely to comply with the USPTO's current regulations regarding appeal briefs. The use of such references should not be interpreted to limit the scope of the claims to such references, nor to limit the scope of the claimed invention in any manner.

VI. Grounds of Rejection to be Reviewed on Appeal.

a. Issues

1.) Claims 19, 21, 23, 25, 27 and 28 stand rejected, under 35 U.S.C. §103(a), as being unpatentable over Choe, *et al.* (U.S. 2004/0114732 A1) in view of Heinonen, *et al.* (US 6,671370).

2.) Claims 22 and 26 stand rejected as being unpatentable over Choe, *et al.* (U.S. 2004/0114732 A1) and Heinonen, *et al.* (US 6,671370) in view of Nguyen, *et al.* (U.S. 2004/0120477 A1).

VII. Argument

1).Claims 19, 21, 23, 25, 27 and 28 are patentable over the Choe reference in view of the Heinonen reference

The Applicant's present invention allows the provision of multimedia data associated with a terminal of a called party, wherein one or both of the terminals may be incapable of actually providing the multimedia data. A core network node receives a call set up message from a calling party providing an identification of a called party. A demand for multimedia information is included in subscriber data of the called party; the demand being retrieved by the core network node. The demand is executed and an address in the network over which the call was placed contains multimedia information associated with the called party is then sent to the calling party terminal (various Summary paragraphs, e.g., para. [0016]). As disclosed in the present invention, the "demand" limitation is part of the subscriber data (para. [0016]). The core network node reads the subscriber data and reacts to the demand by sending the address of the multimedia data associated with that called party that can be retrieved by terminals.(para. [0041])

The Choe reference discloses an apparatus and method for editing a ring back tone — "Apparatus and Method for Editable Personalized Ring Back Tone service (Ringback tones are normally supplied by the called party to the calling party, and Choe does not teach away from that understanding). Choe teaches providing a means for a subscriber to personalize a <u>ringback tone</u> for playback to a caller. In operation, the Choe reference discloses that if a called party is a subscriber, "...the PRBT system accesses an Internet Data Center to retrieve the message settings based on the called party/subscriber's account information stored in the MCP server ..." and "[T]he IDC delivers the called party's personalized ringback message to the calling party's switch..." (para [0029]). The message settings in this case are particular ringback tones previously set up in the MCP, to be played for the calling party. The PRBT system of the Choe reference determines whether the calling party is a subscriber to the PRBT service. If the called party is a subscriber, the system provides a ringback message to the calling party that was previously edited by the called party, (para [0028]).

The Applicant respectfully submits that the Choe reference discloses ringback tones, modification of ringback tones and delivery of ringback tones. Choe applies to a called party/subscriber. The Choe reference discloses functions available to the subscriber (a called party) that are performed by the called party/subscriber to modify a <u>ringback tone</u> for presentation to a particular calling party. The modified ringback tone is stored on a server and the IDC retrieves the ringback tone associated with the particular calling party. In summary, Choe discloses identifying a calling party and whether the called party is a subscriber, determining if the calling party is in the subscriber's account information and if so providing a ringback tone based on calling party specific information in the account.

In the Advisory Action (paper 20101228), in reply to the Applicant's Final Office Action response, the Examiner quotes Choe as teaching in paragraph [0029]: *"thereafter, the system 200 determines whether the called party is a subscriber 204... If the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at a participating telephone service provider to retrieve the message settings based on the subscriber's account information stored in the MCP server 205, 206, 207. The IDC delivers the called party's personalized ring back messages to the*

calling party's switch 208, so that the calling party hears the ring back message 209".
The Examiner then comments; *"As can be seen from the above cited portion, just as the applicant explains its invention, in Choe, the "demand" is added to the service subscriber data at the MCP server so when it is determined that the called party is a subscriber, the subscriber data is located, the message settings of the subscriber data is read and the IDC delivers the called party's personalized ringback message to the calling party's switch, so that the calling party hears the ringback message. That is the demand" as claimed."* (Advisory Action paragraph 11)

The Applicant respectfully disagrees with the interpretation of the recited passage in Choe. The Examiner states that the "demand" is added to the service subscriber data at the MCP server...". The recited portion of the Choe reference does not state or imply that a demand is <u>added</u> to subscriber data. Furthermore, with respect to the Applicant's claim, there is no indication in the claim elements that a demand is added to subscriber information. The claim states, "... wherein the subscriber data <u>comprises a demand</u> for presenting the multimedia information;...". The Applicant submits that a common interpretation of the claim, especially considering this element, would indicate that the demand is present in the subscriber data not added.

A difference between the Choe reference and the present invention is that when the calling party is identified, the PRBT system accesses the Internet Data Center (IDC) to get message settings that the called party associated with the calling party and the telephone service provider retrieves ringback messages that are then played to the calling party. As the limitation states in claim 19:

> recognizing, according to the subscriber data and the received identification of the called party, <u>the demand for providing the multimedia information</u>, and sending <u>a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.</u>

So, the Applicant's present invention teaches that the subscriber data is checked after identifying the called party and in the data a "demand" is discovered which causes the system to send a network address or URL to the calling party to retrieve multimedia information. In the Applicant's invention instead of checking with an IDC, as in Choe, checking the subscriber data causes the Applicant's system to send – not a ringback

tone/message – but a URL to the calling party to retrieve the multimedia information. The Applicant respectfully submits that the Applicant's limitation regarding sending a URL to a calling party so the calling party can retrieve the information is not disclosed by any of the cited art. Whether considered individually or in combination, neither Choe or Heinonen teaches or suggests the elements of claim 19 regarding: a subscriber's data comprises a demand for presenting the multimedia information; recognizing the demand for providing the multimedia information and sending a network address or URL to the calling party for retrieving the multimedia information.

The Final Office Action (dated October 15, 2010) states that Choe fails to teach "sending a network address...", the Applicant agrees. The Heinonen reference is cited for disclosing "sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information." Note that the cited portion of Heinonen (column 4, lines 8-18) begins with "[I]n sending ringing information to a recipient handset the calling handset utilizes..." (line 8-9). The recipient handset is a called handset, with the calling handset doing the sending. This is the opposite of the rejected limitation in claim 19, which reads "sending a network address or Universal Resource Locator (URL) address to the calling party ...". Therefore, Heinonen does not disclose "sending ... to the calling party terminal..."; Heinonen discloses sending to the recipient (called) terminal. This being the case, the Applicant respectfully submits that neither Choe nor Heinonen disclose the above discussed limitations.

The Applicant respectfully requests the allowance of independent claim 19 and analogous independent claims 23, 27 and 28. Claims 21 and 25 depend from claims 19, and 23 respectively and include further limitations in combination with the novel elements of claims 19 and 23. Therefore, the allowance of claims 21 and 25 is also respectfully requested.

2). Claims 22 and 26 are patentable over Choe and Heinonen in view of Nguyen

The Nguyen reference is cited as teaching multimedia information being provided using a packet switched connection. The Examiner cited paragraph [0022] in the rejection of this element. The cited portion of Nguyen discloses routing "...

communication requests between the various elements…". The Applicant respectfully submits routing <u>messages</u> through a <u>signal</u> transfer point is not the same as sending multimedia information using a packet switched connection. Multimedia information is not considered signaling information; more properly the multimedia information, which can include audio and video data, typically does not travel over signal bearers. Simply put, multimedia information (data) is sent on a different bearer.

In the Advisory Action the Examiner took issue with the Applicant's response to the rejection stating, that *"The Applicant further argues in substance that " the nguyen reference is cited as teaching multimedia information is provided using a packet switched connection. The cited portion of Nguen discloses routing "…communication requests between various elements…". The Applciant respectfully submits routing messages through a signal transfer point is not the same as sending multimedia information using a packet switched connections." The Examiner disagreed. It should be noted that the Applicant is only citing a limited portion of the paragraph reference by the examiner. The full sentence of Nguyen par. [0022] states "for example SSP 106 communicates with a local signal transfer point (STP). An STp, such as STP 108 in Fig 1 is a packet switch that routes communication requests between the various elements in AIN 102, including SSP 106 and service control points, such as SCP 110 in Fig. 1." The Applicant's claim merely recites "the multimedia information is provided using a packet switched connection" and as can be seen from the Nguyen reference this concept is not new or novel as it is already done and known in the art to transfer information using a packet switched connection."* (Advisory Action, paragraph 11).

The Applicant respectfully submits that the sentence referenced by the Examiner provides further support for the Applicant's position. The phrase, "An STP, such as STP 108 … is a packet switch that routes communication requests between the various elements…" reaffirms that signaling (communication requests) traffic is routed by the STP, not the data traffic. Therefore, the Nguyen reference agrees with the Applicant, multimedia information is not sent via the STP.

Claims 22 and 26 depend from independent claims 19 and 23 and include the limitations therein The Applicant respectfully submits that Nguyen also fails to provide the elements lacking in the combination of the Choe and Heinonen references.

Therefore, Choe, Heinonen and Nguyen when considered individually or in combination do not teach all of the elements of claims 22 and 26.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." In that regard, the Applicant respectfully submits that the Examiner's three references still fail to teach or suggest each and every element of the presently pending independent claims. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that claims 19, 21-23, and 25-28 be allowed. A prompt notice to that effect is earnestly solicited.

CONCLUSION

The claims currently pending in the application are patentable over Choe, Heinonen and Nguyen, and the Applicants request that the Examiner's rejection thereof be reversed and the application be remanded for further prosecution.

Respectfully submitted,

/Sidney L. Weatherford/

Sidney L. Weatherford
Registration No. 45,602
Ericsson Patent Counsel

Date: March 12, 2011

Ericsson Inc.
6300 Legacy Drive, M/S EVR1 C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com

VIII. Claims Appendix

1 – 18. (Cancelled)

19. (Previously Presented) A method, in a telecommunications network, of providing multimedia information associated with called party terminal to a calling party terminal, the method, performed by a core network node, comprising the steps of:

retrieving subscriber data of the called party, wherein the subscriber data comprises a demand for presenting the multimedia information;

receiving in the core network node a call set up message comprising an identification of the called party,

recognizing, according to the subscriber data and the received identification of the called party, the demand for providing the multimedia information, and

sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.

20. (Cancelled)

21. (Previously Presented) The method according to claim 19 for providing multimedia information associated with a called party to a calling party's terminal wherein the subscriber data is related to an IN subscription or a CAMEL subscription of the called party.

22. (Previously Presented) The method according to claim 19, for providing multimedia information wherein the call set up message is appropriate for setting up a circuit switched call and the multimedia information is provided using a packet switched connection.

23. (Previously Presented) A core network node (CNN) in a telecommunications network for providing multimedia information associated with a

called party terminal to a calling party terminal, the core network node (CNN) comprising

means for storing or providing access to subscriber data of a called party, the subscriber data comprising an indication for a demand for presenting the multimedia information,

an interface for sending messages,

an interface for receiving messages, and

a processing system for processing said messages, the processing system being adapted to:

process a received call set up message comprising an identification of the called party,

recognize, according to received identification of the called party, the demand for providing the multimedia information, and

send, to the calling party terminal, a network address or Universal Resource Locator (URL) for retrieving the multimedia information.

24.   (Cancelled)

25.   (Previously Presented)   The core network node according to claim 23 for providing multimedia information associated with a called party to a calling party's terminal wherein the subscriber data is related to an IN subscription or a CAMEL subscription of the called party.

26.   (Previously Presented)   The core network node according to claim 23 for providing multimedia information associated with a called party to a calling party's terminal wherein the call set up message is appropriate for setting up a circuit switched call and the processing system is adapted to providing the multimedia information using a packet switched connection.

27.   (Previously Presented)   A method, in a core network node of a telecommunications network, for providing multimedia information associated with a called party terminal to a calling party terminal, the method comprising the steps of:

retrieving subscriber data of the called party terminal, wherein the subscriber data comprises a demand for presenting the multimedia information;

receiving in the core network node a call set up message comprising an identification of the called party terminal,

recognizing, according to the subscriber data and the received identification of the called party terminal, the demand for providing the multimedia information, and

sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.

28.   (Previously Presented)   A method, in a core network node of a telecommunications network, for providing multimedia information associated with a called party terminal to a calling party terminal, the method comprising the steps of:

retrieving subscriber data of the called party terminal, wherein the subscriber data comprises a demand for presenting the multimedia information;

receiving in the core network node a call set up message comprising an identification of the called party terminal,

recognizing, according to the subscriber data and the received identification of the called party terminal, the demand for providing the multimedia information, and

if the called party terminal is not able to send the multimedia information, sending a network address or Universal Resource Locator (URL) to the calling party terminal for retrieving the multimedia information.

* * *

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.